

ISR
INTERNATIONAL SEARCH REPORT

EP07820620

A. CLASSIFICATION OF SUBJECT MATTER INV. C07D498/04 A61P5/24 A61P15/18 A61K31/553		International application No PCT/EP2007/060225
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) C07D		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal, WPI Data, BEILSTEIN Data, CHEM ABS Data		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 03/084963 A (AKZO NOBEL NV [NL]; HERMKENS PEDRO HAROLD HAN [NL]; LUCAS HANS [NL]; D) 16 October 2003 (2003-10-16) cited in the application examples 58,63 -----	1-29
A	CAULFIELD W L ET AL: "Synthesis of 1-amino-1,2,3,14b-tetrahydro-4H-pyrido[1,2-d]dibenzo[b,f][1,4]oxazepine and related compounds" JOURNAL OF THE CHEMICAL SOCIETY, PERKIN TRANSACTIONS 1, CHEMICAL SOCIETY, LETCHWORTH, GB, no. 6, 1996, pages 545-553, XP002212060 ISSN: 0300-922X example 12 -----	1-29
<input type="checkbox"/> Further documents are listed in the continuation of Box C		
<input checked="" type="checkbox"/> See patent family annex		
* Special categories of cited documents :		
A document defining the general state of the art which is not considered to be of particular relevance *E* earlier document but published on or after the international filing date *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) *C* document relating to an oral disclosure, use, exhibition or other means *T* document published prior to the international filing date but later than the priority date claimed *P* document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art *S* document member of the same patent family		
Date of the actual completion of the international search 17 December 2007		Date of mailing of the international search report 28/12/2007
Name and mailing address of the ISA/ European Patent Office, P.O. Box 5818 Patentstrasse 2 NL - 2280 HV Rijswijk Tel: (+31 - (0) 340 - 2940) Tx: 31 651 epo nl Fax: (+31 - (0) 340 - 30196		Authorized officer Gettins, Marc

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP2007/060225

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.
because they relate to subject matter not required to be searched by this Authority, namely:

Although claims 25-26 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but this applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

ISR
INTERNATIONAL SEARCH REPORT
 Information on patent family members

EP07820620

International application No
 PCT/EP2007/060225

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 03084963 A	16-10-2003	AU 2003224161 A1	20-10-2003
		BR 0308890 A	11-01-2005
		CA 2480940 A1	16-10-2003
		CN 1649879 A	03-08-2005
		HR 20040913 A2	31-08-2005
		IS 7452 A	16-09-2004
		JP 2005528382 T	22-09-2005
		MX PA04009709 A	13-12-2004
		NZ 535546 A	26-01-2007
		US 2005171087 A1	04-08-2005
		ZA 200407667 A	26-07-2006

Form PCT/ISA/2-10 (patent family annex) (April 2005)

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No
PCT/EP2007/060225

International filing date (day/month/year)
26.09.2007

Priority date (day/month/year)
27.09.2006

International Patent Classification (IPC) or both national classification and IPC
INV. C07D498.04 A61P5/24 A61P15/18 A61K31.553

Applicant
N.V. ORGANON

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA



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D-60288 Munich
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Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Gettins, Marc

Telephone No. +49 89 2399-8273



21/04/2009

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/EP2007/060225

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
- 2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material:

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material:

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing:

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/EP2007/060225**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

☐ the entire international application

☒ claims Nos. 24-26, 29

because:

☒ the said international application, or the said claims Nos. 24-26 relate to the following subject matter which does not require an international search (*specify*):

see separate sheet

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 29 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

☐ no international search report has been established for the whole application or for said claims Nos.

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b).

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/EP2007/060225

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-28</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-28</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-28</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2007/060225

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. Claims 25-26 relate to a subject-matter considered by this Authority to be covered by the provision of Rule 39.1 (iv) /67.1 (iv) PCT. The patentability can be dependent upon the formulation of the claims. The EPO, for example, does not recognise as patentable claims to the use of a compound in medical treatment, but may allow claims to a product, in particular substances or compositions for in a first or further medical treatment.
2. Claim 24 (a method of contraception) may fail to meet the requirements of patentability in the national procedure.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Relevant prior art is provided by:

D1: WO 03/084963

D2: CAULFIELD W L ET AL: "Synthesis of 1-amino-1,2,3,14b-tetrahydro-4H-pyrido[1,2-d]benzo[b,f][1,4]oxazepine and related compounds" JOURNAL OF THE CHEMICAL SOCIETY, PERKIN TRANSACTIONS 1, CHEMICAL SOCIETY, LETCHWORTH, GB, no. 6, 1996, pages 545-553, XP002212060 ISSN: 0300-922X

2. The current application is a novel selection from within D1 on account of the position of the F and CN substituents. The current application is novel vis-à-vis D2 i.a. on account of the CN substituent.
3. The problem addressed by the current application is the provision of further progesterone receptor modulators which are quantitatively more effective than those known from the closest prior art D1. In the light of the comparative test data and in particular the results on page 25 of the current application it can be considered that the said problem has been solved. Accordingly an inventive step can be acknowledged.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2007/060225

4. Claims 25-26 relate to a subject-matter considered by this Authority to be covered by the provision of Rule 39.1 (iv) /67.1 (iv) PCT.

Re Item VII

Certain defects in the international application

1. Claim 29 claims the conversion of II to I without providing any indication whatsoever as to how this is to be achieved. This is a result to be achieved where no technical content is given so that the claim fails to meet the requirements of Art. 6 PCT.

Re Item VIII

Certain observations on the international application

1. The reference on page 9 to "not intended to limit" should be deleted.

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 2006.958 WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2007/060225	International filing date (<i>day/month/year</i>) 26 September 2007 (26.09.2007)	Priority date (<i>day/month/year</i>) 27 September 2006 (27.09.2006)	
International Patent Classification: (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant N.V. ORGANON			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input checked="" type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input checked="" type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 50 months from the priority date (Rule 44bis.2).

The International Bureau of WIPO 43, chemin des Cornettes 1211 Genève 20, Switzerland Facsimile No. +41 22 398 82 70	Date of issuance of this report 31 March 2009 (31.03.2009)
	Authorized officer Yolaine Cussac e-mail: p05 pct@wipo.int